THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2475 OF 2007

DATED: 09-02-2007

Between:

M. Ramu

.. Petitioner

and

The Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2475 OF 2007

ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings of the 2nd respondent dated 30.11.2006 in Steno/114 (3)/2006-DVM (T), as arbitrary and illegal; and consequently to direct the respondents to allow the petitioner to discharge his duties as driver as usual.

It appears, under the impugned proceedings of the 2nd respondent dated 30.11.2006, the petitioner was suspended from service on certain allegations of misbehaviour and insubordination with the Unit Officer i.e. the Depot Manager and an enquiry is being proceeded with against the petitioner.

The learned counsel for the petitioner states that the suspension order passed by the 2nd respondent is neither in public interest nor in the interest of the organization. The allegations relate to a personal issue between the petitioner and the Depot Manager. In fact, in the evidence of three witnesses examined on behalf of the Management, nothing has been elicited against the petitioner. Therefore, the impugned order is liable to be set aside.

I am of the opinion that suspension is not a punishment. The suspension is only to enable the department to go ahead with the enquiry without any interference by the petitioner and to avoid access to the records etcetera. No extraordinary case is made out to interfere

with the impugned order dated 30.11.2006, such as jurisdiction and authority of the Officer in passing such order.

Therefore, I am not inclined to interfere with the impugned order passed by the 2nd respondent. However, the respondents are directed to complete the enquiry against the petitioner within a period of six weeks from the date of receipt of a copy of this order and pass appropriate orders as per law. If the enquiry is not concluded within a period of six weeks, the petitioner shall be reinstated into service forthwith.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

C.V. RAMULU, J

9th February 2007.
IBL